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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE TESLA, INC. SECURITIES
LITIGATION

Case No. 3:18-cv-04865-EMC

**PLAINTIFF'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED**

Pursuant to Civil L.R. 7-11 and 79-5(f), Lead Plaintiff Glen Littleton ("Plaintiff") brings this administrative motion to consider whether another party's materials should be filed under seal and/or in redacted form.

This motion is necessitated by the Stipulated Protective Order dated May 20, 2020 (ECF No. 255), which provides that a party seeking to file "Protected Material" with the Court must do so under seal pursuant to Civil L.R. 79-5. *See* Stipulated Protective Order at ¶12.3. Notwithstanding the foregoing, Plaintiff has objected to Defendants' designation of the "Protected Material" as "Confidential" and/or "Highly Confidential – Attorneys' Eyes Only" on the basis that it does not deserve confidential treatment, as argued in connection with the parties' administrative motions concerning Plaintiff's summary judgment motion. *See Circle Click Media LLC v. Regus Mgmt. Grp. LLC*, No. 12-cv-04000-EMC, 2016 U.S. Dist. LEXIS 32665, at *4 (N.D. Cal. Mar. 14, 2016) (denying motion to seal where motions were "dispositive"). Therefore, Plaintiff's present Administrative Motion is made for the sole purpose of complying with the Stipulated Protective

Order's directives concerning the filing of "Protected Material" and in the event that the Court approves sealing for any materials currently at issue. *See* ECF Nos. 403, 405, 408.

The materials to be considered for sealing and/or redaction are as follows:

Document	Portions to be Filed Under Seal	Party Claiming Confidentiality	Basis for Sealing
Exhibit 337	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Elon Musk Deposition (excerpts)	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Professor Daniel Fischel Deposition (excerpts)	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Plaintiff's Opposition to Defendants' Motion for Reconsideration	Redactions*	Defendants	Stipulated Protective Order, ¶12.3
Plaintiff's Opposition to Defendants' Motion for Certification Under 28 U.S.C. §1292(b)	Redactions*	Defendants	Stipulated Protective Order, ¶12.3

* Plaintiff's redactions include quotations from and/or descriptions of the Court's Order Granting in Part and Denying in Part Plaintiff's Motion for Partial Summary Judgment, which presently remains under seal even though the parties anticipate that it will be filed publicly once the Court addresses Defendants' pending renewed motion to seal (ECF No. 405).

Dated: May 6, 2022

Respectfully submitted,

LEVI & KORSINSKY, LLP

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